REMARKS

The present amendment is submitted in response to the Office Action dated December 1, 2006, which set a three-month period for response. Filed herewith is a Request for a Three-month Extension of Time, making this amendment due by June 1, 2007.

Claims 1-6 are pending in this application.

In the Office Action, claims 1-6 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claims 1-2 and 4 were rejected under 35 U.S.C. 103(a) as being unpatentable over WO 01/60590 A1 to Dalla Valle. Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Dalla Valle in view of U.S. Patent No. 4,478,896 to Barnes et al.

In the present amendment, claim 1-6 have been amended to address the objections under Section 112, second paragraph.

The Applicant respectfully submits that the claims as amended define a patentably distinct set of features that is neither shown nor suggested by the cited references.

The Dalla Valle reference discloses a production system for composite material slabs with a minimal thickness for use as flooring. In the mixing phase (i.e., mixers) as well as in the homogenization phase (homogenizing disc) and roller phase, which eliminates lumps, the Dalla Valle system is not able to adequately mix and homogenize the material in the various production stages.

Therefore, before being unloaded into the mold, the material must be further mixed and homogenized in the distributor 16.

In the system disclosed in the patent to Barnes, materials with a low specific weight, specifically, wood strands, are treated for the production of boards. This patent relates to a continuous multiple mixing process, which wets the various sides of the wood strands by the use of conveyor belts positioned at different quotas, with the flicking out of the material by use of spiked rollers that separates each wood strand as it is flicked out so that the subsequent spraying of resin through nozzles covers each strand more thoroughly. This eliminates some problems and enables the complete coating of the wood strands with a minimum quantity of resins.

The system disclosed in the Rexius reference deals with material with low specific weight (wood aggregates) that receives a liquid color through a spray system that colors the wood aggregates through a number of conveyors placed vertically one above the other, in a process that transports the material in a serpentine manner on perforated conveyors. The different speeds of the conveyor allow for more or less saturation of the liquid, which is characterized by a weaker or stronger color. This system enables the continuous coloring of large volumes of wood aggregates, which are then dried and used.

In contrast, the system of the present invention as defined in the pending claims uses materials with a much heavier specific weight. It mixes (homogenizes) and colors by spraying (or other systems) and the aggregates of heavier specific weight are used in the mixer phase (1) and (2). The material

obtained in this manner is ready to be unloaded into the mold (23). Based on aesthetics XX... that one wishes to achieve in the final product, it is possible to realize further and different treatments.

For example, these further treatments can include the integration of materials from the two mixers through the homogenizing disc 7 or even without the homogenizing disc 7, which can unload directly into the hopper 13 and by means of the conveyor belts 14, 17, 19, move to the conveyor belt 21.

The leveling hoppers 13, 16, 18, 20 prevent an interruption of the material in its progression from one conveyor to another. Indeed, this ensures that the material arrives at the conveyor belt 21 in the same manner that it was after being mixed in the mixers 1, 2. The conveyor belt 21 with the received material is used like a "canvas", where shapes, colored images, decorations, designs (all made with known systems) and anything else are realized in order to obtain the aesthetical appearance desired.

When the material is transferred from the conveyor belt 21 to the mold 23 through the hopper 22, it maintains the same image/aspect made on the belt 21 like a mirror, that is, practically like a reflected image.

Thus, the system of the present invention requires and exploits the aesthetic value of the material, since it is used for applications with high aesthetical value in the residential, commercial, and hospitality fields. In contrast, the Dalla Valle system serves primary for the production of tiling, the Barnes assembly serves for making wooden boards (from aggregates of the

same family), and the Rexius system serves exclusively for coloring the wood strands.

In summary, the following distinctions of the cited art over the present invention must be considered:

a) the Dalla Valle system requires mixing / homogenizing of the material right up to the mold stage;

b) the Barnes system is completely different - very light weight wooden strands/flakes that are conveyed in a pile that must be separated and flicked out (spiked rollers) in order to be coated with resin as they fall onto the next conveyor belt for the same operation so that they are thoroughly coated. The same light weight wooden strands are conveyed onto a mesh type conveyor belt that are sprayed with color that coats the strands and falls through the belts to an underlying tray

In contrast, the system of the present invention is ready to be put into a mold after the mixing phase at the beginning of the system (1) and (2). Because the final material is known for its aesthetical value, (designs, shapes other additional colors etc) there are additional phases that involve the application/insertion of these designs, shapes, colors, onto the material produced at the beginning of the system.

Therefore, the practitioner would not be lead to the present invention as defined in the amended claims, since none of the cited references, whether viewed alone or in combination, suggests or discloses all of the features of the pending claims. It is respectfully submitted that since the prior art does not

suggest the desirability of the claimed invention, such art cannot establish a prima facie case of obviousness as clearly set forth in MPEP section 2143.01. Please note also that the modification proposed by the Examiner would change the principle of operation of the prior art, so that also for this reason the references are not sufficient to render the claims prima facie obvious (see the last paragraph of the aforementioned MPEP section 2143.01).

The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification. ***In re Fritch***, 23 USPQ 2d 1780, 1783-84 (Fed. Cir. 1992).

For the reasons set forth above, the Applicant respectfully submit that claims 1-6 are patentable over the cited art. The Applicants further request withdrawal of the rejections and reconsideration of the claims as herein amended.

In light of the foregoing amendments and arguments in support of patentability, the Applicants respectfully submit that this application stands in condition for allowance. Action to this end is courteously solicited.

Should the Examiner have any further comments or suggestions, the undersigned would very much welcome a telephone call in order to discuss appropriate claim language that will place the application into condition for allowance.

Respectfully submitted,

/ Michael J. Striker /

/ Michael J. Striker /

Michael J. Striker
Attorney for Applicant
Reg. No.: 27233
103 East Neck Road
Huntington, New York 11743
631-549-4700